

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of  
Inventor(s): Mills

App'n Ser. No.: 09/008,947

Filing Date: 01/20/1998

Title: HYDRIDE BATTERY AND FUEL CELL



Group Art Unit: 1745

Examiner(s): Kalafut *for*  
*the Secret Committee*

\* \* \* \* \*

October 14, 2004

**RESPONSE TO FINAL OFFICE ACTION**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant files this paper in response to the final Office Action mailed April 14, 2004. Also enclosed is a Petition for a three-month extension and Notice of Appeal together with the appropriate fees.

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1, 2, 4-6 and 10-59 are pending in the present application.

Submitted with this Response is new, non-cumulative scientific evidence further demonstrating the existence of lower energy states of hydrogen in many different ways, including, but not limited to, studies of spectroscopic lines, energy output, compositions of matter, generated plasmas, and inverted hydrogen populations. Applicant also identifies the independent third-party data pursuant to the PTO's agreement, which evidence resulted in verbal confirmation of allowability of two BlackLight applications handled by Examiner Langel before he was forced to resign from the cases "for moral and ethical reasons," as explained below.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Re: Appeal to the Board of Patent Appeals and Interferences

In re PATENT APPLICATION of  
Inventor(s): Mills

Appln. No.: 09/008,947

Filing Date: 1/20/1998

Title: HYDRIDE BATTERY AND FUEL CELL



Group Art Unit: 1745

Examiner: Kalafut for Secret Committee

Sir:

October 13, 2004

- 1 ☒ **NOTICE OF APPEAL:** Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision (not Advisory Action) dated of the Examiner twice/finally rejecting claims
- 2 ☐ **BRIEF** on appeal in this application attached in triplicate.
- 3 ☐ An **ORAL HEARING** is respectfully requested under Rule 194 (due two months after Examiner's Answer -- unextendable).
- 4 ☐ Reply Brief is attached in triplicate (due two months after Examiner's Answer -- unextendable).
- 5 ☒ "Small entity" ☐ herewith. ☒ previously.

<b>6 FEE CALCULATION:</b>		Large/Small Entity	
If box 1 above is X'd, see box 12 below <u>first</u> and decide: .....	enter	\$	\$170
If box 2 above is X'd, see box 12 below <u>first</u> and decide: .....	enter	\$	\$
If box 3 above is X'd, see box 12 below <u>first</u> and decide: .....	enter	\$	\$
If box 4 above is X'd, .....	enter nothing	- 0 - (no fee)	
<b>7. Original due date: Petition Requested and Fees Paid In Accompanying Fee Transmittal</b>			
8. Petition is hereby made to extend the original due date to cover (1 months) \$ the date this response is filed for which the requisite fee is attached (2 months) \$ (3 months) \$ (4 months) \$ (5 months) \$			
9. Enter any previous extension fee paid [ ] previously since above <u>original</u> due date (item 7); [X] with concurrently filed amendment .....		-	
10. Subtract line 9 from line 8 and enter: <b>Total Extension Fee</b>			+170
11. <b>TOTAL FEE ATTACHED =</b>			<b>\$170</b>

12. ☐ \*Fee NOT required if/since paid in prior appeal in which the Board of Patent Appeals and Interferences did not render a decision on the merits.

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. 50-0687/62226 for which purpose a duplicate copy of this sheet is attached. **This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.**

Manelli Denison & Selter, PLLC

Att:

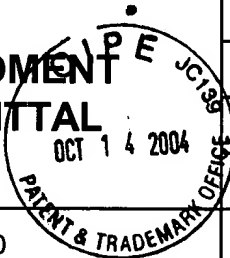
Jeffrey S. Melcher  
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Customer No.: 20736

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**REPLY/AMENDMENT  
FEE TRANSMITTAL**

Attorney Docket No.	911322US
Application Number	09/008,947
Filing Date	1/20/1998
First Named Inventor	Mills
Group Art Unit	1745
Examiner Name	Kalafut

AMOUNT ENCLOSED \$660

**FEE CALCULATION** (fees effective 10/01/97)

CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	68	68	0 <sup>(3)</sup>	X \$18.00 =	
INDEPENDENT CLAIMS	19	19	0	X \$78.00 =	
Since an Official Action set an <u>original</u> due date of July 14, 2004, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$110); 2 months (\$400); 3 months (\$950); 4 months (\$1,510); 5 months (\$2,060)): 3 Months					980
Notice of Appeal and Fee					340
Total of above Calculations =					\$1320
Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)					-660
<b>TOTAL FEES DUE =</b>					<b>\$660</b>
<small>(1) If entry (1) is less than entry (2), entry (3) is "0". (2) If entry (2) is less than 20, change entry (2) to "20". (4) If entry (4) is less than entry (5), entry (6) is "0". (5) If entry (5) is less than 3, change entry (5) to "3".</small>					

**METHOD OF PAYMENT**

- ☒ Check enclosed as payment.  
☐ Charge "TOTAL FEES DUE" to the Deposit Account No., below.

**AUTHORIZATION**

- ☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees under 37 CFR 1.16 or 1.17 necessary to maintain pendency of the present application to:

Deposit Account No.: 50-0687

OrderNo.: (Client/Matter) 62-226

**SUBMITTED BY: Manelli, Denison & Selter, PLLC, Customer No.: 20736**

Typed Name	Jeffrey S. Melcher	Reg. No.	35,950
Signature		Date	October 14, 2004